

# **OCCUPATIONAL SAFETY AND HEALTH PRACTICES OF SELECTED COMPANIES IN JOHOR**

**BY**

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## **ABSTRACT**

The purpose of this research was to survey on the Occupational Safety and Health practices of selected companies in Johor. This research focused on companies with more than 100 employees in order to understand how much of the OSHA 1994 was implemented at the workplace. This research was conducted by sending out questionnaires which were responded by 36 companies involved in different economic activities. These companies were all selected through the means of convenience sampling. The results of the findings show that all companies are committed to implementing the basic requirements of the Act and designing the workplace to minimize workplace accidents and reduce risks to the health of employees. Employers are committed to safe and healthy practices at the workplace by providing effective communication in support of safety and health activities. Employers also allow employees voice their opinions on safety and health matters at the workplace. The findings also show that companies actively send employees for safety trainings and also regard safety and health as a resource that is to be fairly allocated across organizational units. However, the findings show that most employers do not give due recognition to safety and health achievements at employee level, lack obtaining inputs on safety and health matters from their employees and lack on carrying out rehabilitation programs for injured employees returning to work.

## ABSTRAK

Tujuan penyelidikan ini ialah untuk menilai setakat mana amalan keselamatan dan kesihatan di tempat kerja dipraktikkan di syarikat-syarikat terpilih di negeri Johor. Penyelidikan ini tertumpu kepada syarikat-syarikat yang mempunyai lebih daripada 100 orang pekerja untuk menilai syarikat mana Akta Keselamatan dan Kebajikan Pekerjaan (OSHA) 1994 dilaksanakan di tempat kerja mereka. Penyelidikan ini telah dikendalikan dengan menghantar borang-borang soal selidik yang mana 36 buah syarikat telah mengambil bahagian. Pemilihan dibuat secara persampelan rambang. Keputusan kajian mendapati bahawa kesemua syarikat komited terhadap melaksanakan kehendak-kehendak Akta tersebut selain dari merekabentuk tempat kerja untuk meminimalkan kemalangan di tempat kerja dan mengurangkan risiko terhadap kesihatan para pekerja. Majikan juga komited kepada amalan-amalan sihat dan selamat melalui komunikasi yang efektif untuk menyokong aktiviti-aktiviti keselamatan. Majikan juga membenarkan para pekerja menyuarakan pendapat mereka tentang hal keselamatan dan kesihatan di tempat kerja. Penyelidikan juga menunjukkan pihak majikan aktif menghantar para pekerja untuk latihan keselamatan di samping menyediakan peruntukan sewajarnya untuk kesemua unit-unit di dalam organisasi tersebut. Walau bagaimanapun, hasil penyelidikan turut memaparkan bahawa pihak majikan tidak memberi pengiktirafan yang sewajarnya terhadap pencapaian kesihatan dan keselamatan di peringkat pekerja. Pihak majikan juga kurang memperolehi input tentang hal-hal kesihatan dan keselamatan daripada pihak pekerja dan kurang menyediakan program rehabilitasi untuk pekerja-pekerja yang pulang setelah tamat cuti sakit akibat kemalangan di tempat kerja.

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Finally, to everyone who was directly or indirectly involved in assisting me throughout this research, thank you so much from the bottom of my heart.

## **APPENDIX VIII**

### **PROJECT PAPER/CASE STUDY SUBMISSION FORM**

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Director  
Centre for Graduate Studies  
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Dear Sir,

Attached are the following documents for your evaluation and examination.

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| (V)    | Chapter 1: | Introduction            |
| (VI)   | Chapter 2: | Literature Review       |
| (VII)  | Chapter 3: | Research Methodology    |
| (VIII) | Chapter 4: | Findings and Discussion |
| (IX)   | Chapter 5: | Conclusion.             |

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## DECLARATION

Name : SANJEEV A/L V. JANARDHANAN  
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I hereby declare that this project paper is the result of my own work, except for quotations and summaries which have been duly acknowledged.

Signature: 

Date: 27-11-05.

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## **CHAPTER 1**

### **INTRODUCTION**

#### **1.1 Overview**

Occupational safety and health is regarded as a key element in improving workplace safety and health management. Safety and health management system and programs are designed with the purpose of ensuring the safety, health and welfare of persons at work and protection to other people from hazards to safety and health arising from the activities of persons at work in various economic sectors. A safe working environment means that the workplace has been assessed for hazards and that the hazards are eliminated or that controls have been implemented so that the company is able to operate safely.

Occupational safety and health (OSH) practices are essential for any type of business, be it at a large corporation or even the smallest business entity. In Malaysia, OSH has come to a stage where more and more employers and employees understand their roles and responsibilities in order to ensure hazards at the work

places are identified, assessed and controlled. These responsibilities, if correctly discharged, will definitely contribute to the prevention of untoward incidents causing injury, illness, death and property damage at the workplace.

An injury at the workplace or the spread of diseases can cause severe harm to the profitability of the business concerned. Besides that, the reputation of the business could be damaged and this will have an impact on future earnings. Other costs for the employer includes losing the services of the person who is ill or injured and the costs of having someone else cover his or her job. There could also be a loss in productivity caused by disruption to the business due to inexperienced replacements to replace the injured or ill worker.

Workplace injury and illness can have a critical impact on the employee's quality of life-affecting personal income, mental health and family well being. Workplace injuries and illness typically reduce the overall earnings of households and may force other household members to leave the labor force to care for a disabled family member, or to work more hours to regain the last income.

Due to the bigger impact to a particular business if there is any workplace accident, it is imperative for employers to look into safety at the workplace. Workplaces with active safety leadership have fewer injuries, are often rated as better places to work and have more satisfied, more productive employees who are less likely to change jobs. Employees are also prone to return to work more quickly after an injury or illness and produce higher-quality products and services.

Realizing the benefits of having a safe and healthy workplace, the Government has come up with the Occupational Safety and Health (OSHA) Act, 1994 which states that an employer has a legal responsibility in ensuring the occupational safety and health of its workers. This is due to the fact that the Government has realized that a failure to put good health, safety and environmental policies and procedures can be an expensive mistake.

## **1.2 Problem Statement**

This research project will be focused on the practices of occupational safety and health in certain selected industries in Johor. Industries selected for this research consist of companies involved in the manufacturing sector which include electronics, synthetic rubber, paper, palm oil refining, textile and ceramic tiles. These companies, some of them being multi national companies, all employ more than 100 employees. Although it is known that these companies are required by law to adhere to the requirements of the OSHA 1994, it will be interesting to know how many of them actually practice those requirements. Besides this issue, it is also a concern to know how much the employees know about the OSH and whether trainings are conducted for them to better understand this Act.

This is because the OSHA 1994 states that an employer has legal responsibility in ensuring the occupational health and safety of its workers. These include:

- Carrying out a thorough health and safety risk assessment

- Drawing up a health and safety policy
- Ensuring the workplace meets minimum standards of comfort and cleanliness
- Recording serious injuries, diseases or dangerous accidents and in some cases reporting them to the authority.

Though big companies are known to adhere to OSHA, however, the level of commitment and their implementation remains much in doubt. One reason could be due to the fact that investing in safety issues does not provide any financial gain as it would affect their profitability. Therefore, safety issues are either not stressed or simply left to the Human Resource (HR) department or Safety Officer, if there is one, to deal with.

### **1.3 Objectives of the Study**

#### **General**

- 1.3.1 To evaluate the understanding, utilization and implementation of the Occupational Safety and Health Act 1994 in companies in Johor.

#### **Specific**

- 1.3.2 To understand the extent employers and employees are committed to safe and healthy practices at the workplace.
- 1.3.3 To understand the communication channels and funding allocated to promote OSH practices in the various companies.

## **1.4 Significance of the Study**

Occupational safety and health management plays an important role to ensure safety and health of the employees at the workplace. Failure to do so can be expensive mistake, which could severely affect the productivity, profitability and competitiveness of a company. Other damages that could incur are bad services provided, dissatisfied customers, loss of business for the company as well as a tarnished image of the company. Raising awareness on safety and health among employees through activities such as health education, training and disciplinary actions is important in changing employers and employees' attitude towards OSH.

The finding of the study may be important in understanding the development and implementation of occupational safety and health strategy and practices particularly in industries in Johor. Though it is known that safety is given priority in big companies, but how much is their commitment towards OSH practices remains much in doubt. Therefore, this study will help give a clearer picture on the actual OSH practices in companies in Johor.

## **1.5 Historical Perspective of the Occupational Safety and Health development in Malaysia.**

The history of occupational safety and health in Malaysia can be traced back to 1878 when the first Machinery Inspector was appointed. It was during that time that the economic structure depended heavily on agricultural and mining activities. The

growth of these sectors introduced various hazards to workers. The Selangor Boiler Enactment in 1892 was the first legislation to address safety issues, especially in the use of steam boilers. In 1913, the Machinery Ordinance was enacted to ensure the safety of machinery including boiler and internal combustion engines. The Machinery Ordinance 1913 was updated in 1932 (Machinery Enactment 1932) with additional provisions on registration and inspection of machinery installation. The Machinery Ordinance of 1953 superceded all previous legislations related to industrial safety, and was enforced in all the 11 states of Malaya under the jurisdiction of Machinery Department, Ministry of Labour. Early OSH legislation, the Federated Malay States Mining Enactment of 1926 and the Rump Labour Code of 1933 included public health provisions. Both these legislations required the provision of accommodation, sanitation, medical care and services, decent working conditions and livable wages for the mine and estate workers.

In the 1960s, the Government implemented a policy to move towards industrialization. This resulted in an increasing number of workers in the manufacturing sectors such as microelectronics, chemical and mineral based industries and in the later years, textile and automotive industries. In order to manage the safety and health problems associated with manufacturing industries, the Factory and Machinery Act (FMA) was enacted in 1967 and enforced by the Factories and Machinery Department. This Act and the regulations was the cornerstone for the occupational safety and health improvement for the next 27 years before the introduction of the Occupational Safety and Health Act 1994.



The FMA formed the main thrust of legislation related to safety, health and welfare of workers in factories. The term factory was given its due definition under s.2 of the FMA and premises or part thereof which fall outside the definition were not regulated by the Act.

In the late 80's and early 90's, as the country progressed in leaps and bounds, employment opportunities grew in tandem and there was a dire need to review the legislation relating to the safety, health and welfare of the nation's workforce. A large number of people including those self employed were unprotected by the existing legislations.

Further, the existing legislations did not provide any protection to the general public, who at times also suffered from some of the activities of persons at work. The FMA for example, though dealing clearly with specific hazards to safety, health and welfare in factories apart from going into great details regarding specific requirements for machine guarding and building operators, did not provide any protection to the general public.

Therefore, a new, more comprehensive Act was required to address the above concerns. From there was created the Occupational Safety and Health Act (OSHA) 1994. This act applies to all types of businesses, regardless of its size, whether in a big company or even in a small business entity. The Act also requires employers to control to control risks arising from people, equipment, materials and the working environment.

### **1.5.1 The Occupational Safety and Health Act (OSHA) 1994.**

20<sup>th</sup>. February 1994 marked the dawn of a new era of Occupational Safety and Health (OSHA) in the country. That day saw the passage through Parliament of the long planned and long awaited Occupational Safety and Health Act (OSHA) 1994, which is relatively a much more modernized and updated law on Occupational Safety and Health (OSH) compared to its predecessor, the FMA 1967.

It is an Act that provided the legislation framework to secure the safety, health and welfare among all Malaysian workers and to protect others against risks to safety or health in connection with the activities of persons at work.

The introduction of a comprehensive Occupational Safety and Health Act (OSHA) 1994 was in response to the need to cover a wider employee base and newer hazards introduced in the workplace. Developed countries such as Japan had enacted such legislation in 1972, United Kingdom in 1974 (the Health and Safety at Work Act 1994), United States of America in 1970 (the Occupational Health & Safety Act 1970). In Sweden and Norway, the Act was called Internal Control Regulation.

The Act was derived from the philosophy of the Roben's Commission and Health & Safety at Work Act 1974 in UK, emphasizing on self-regulation and duties of employer, employee and designer/manufacturer. The employer's duties include the provision of a safe system of work, training, maintenance of work environment and arrangement for minimizing the risks as low as reasonably practicable. In short, the

responsibility on OSH is made to rest on those who create the risks (employers) and those who work with the risk (employees).

The Act is referred as a reflective-type of Act which was less prescriptive, cover all workers except those in armed forces and those who work aboard ship (which were covered by other legislations). The Act also emphasizes on duties of care by individuals thus empowering the participation of all persons in OSH.

The stated objectives of the OSHA 1994 as provided under s.4 are:

- To secure the safety, health and welfare of persons at work against risks to safety or health arising out of the activities of persons at work
- To protect persons at the place of work other than persons at work against risks to safety or health arising out of the activities of persons at work
- To promote an occupational environment for persons at work which is adapted to their physiological and psychological needs
- To provide the means whereby the associated occupational safety and health legislations maybe progressively replaced by a system of regulations and approved industry codes of practice operating in combination with the provisions of this Act designed to maintain or improve the standards of safety and health.

OSHA 1994 is centered around the philosophy that “the primary responsibility for doing something about the present levels of occupational accidents and diseases lies with those who create the risks (the employers) and those who work with them (the workers)”. In order to translate this philosophy into action, would require constant active co-operation between employers and employees in the fulfillment of each others duties and responsibilities in relation to Occupational Safety and Health (OSH). The Act’s objectives would be achieved through a new approach that revolves around the conviction that a workplace will have an excellent chance of attaining a good standard of OSH if it has a proper OSH management system. This can only occur if the workplace’s top level management possesses great commitment to draw up a general OSH policy and to establish the organization and arrangements required for the effective and successful implementation of that policy. (Ir. Hj. Abu Bakar Che Man, 2000)

Since the provisions of the Occupational Safety and Health Act 1994 are based on the self regulation principle, this means that when an employer requires a worker to undertake a specific task, the employer is required by law to provide the necessary training to enable the worker to carry out his duties safely. The worker must cooperate by following instructions and work safety. Therefore, to comply with OSHA 1994, an organization or company will have to put safety and health management at the heart of its business. The concept of self-regulation encourages cooperation, consultation and participation of employees and management in efforts to upgrade the standards of safety and health at the workplace.

Eventually, upon the gazette of the Occupational Safety and Health Act 1994, the Department of Occupational Safety and Health or DOSH, under the purview of the Ministry of Human Resources, became the Government's enforcement for OSH legislative matters. In the past few years, DOSH has been undergoing a revamp, under which its manpower capabilities have been strengthened to address traditional OSH issues as well as to meet the existing challenges. DOSH will ensure through enforcement and promotional works that employees, self-employed persons, manufacturers, designers, importers, suppliers, and employees always practice safe and healthy work culture, and always comply with existing legislation, guidelines and codes of practice.

The objectives of DOSH are:

- To study and review the policy, laws and code of practices as well as guidelines relating to occupational safety, health & welfare as the basis to ensure safety and health at work place.
- To ensure that employers, the self employed, designers, suppliers, importers and workers continuously practice good safety and health practices and comply according with all the respective Safety and Health legislations.

DOSH is also responsible for the following activities:

- Providing input and serving as the secretariat to the National Council for Occupational Safety and Health.

- Conducting research and technical analysis to determine steps to control occupational safety and health hazards at the workplace.
- Preparing the examination and assessment syllabus and coordinating the examination and accreditation of Competent Persons.
- Formulating accreditation criteria as well as providing accreditation for companies, institutions and organizations.
- Determining and reviewing safety reports and emergency action plans, information to public as well as conducting inspections and audits on hazardous and non-hazardous equipment and tools,
- Monitoring of health hazards at work sites
- Perusing reports on the monitoring of health hazards for Competent Persons.

DOSH is also the secretariat to the National Council for Occupational Safety and Health, a council established under section 8 of the Occupational Safety and Health Act 1994. The council shall consist of not less than twelve and not more than fifteen members, whom are appointed by the Human Resources Minister. These Council members comprise of tripartite representation from Government, employers, employees and OSH professionals with at least one woman member. This council shall have power to do all things expedient or reasonably necessary for or incidental to the carrying out of the objects of this Act.

All employers with more than 5 employees are required by the legislation to formulate a written safety and health policy. The object of the safety and health policy is to demonstrate the company's commitment and concern to ensure safety and health at

the place of work. When making decisions or performing work activities of the organization, issues on safety and health stated in the policy must be taken into account. The policy must clearly spell out the intentions with regard to safety and health and the method in carrying out the policy.

### **1.5.2 Contents of a Safety and Health Policy**

The essential ingredients for the written Safety and Health Policy as required by law, are divided into 3 main parts, mainly,

- General Policy Statement
- Organization
- Arrangements

The General Policy Statement concerns with the overall intent of the employer to look after the safety and health of the workforce. This statement can be simple and brief. Essentially it should:

Point out that the management accepts responsibility for safety and health of the employees and others who may be affected by the work activities

- A summary of the policy's goals
- Emphasize the importance of safety and health to overall business performance
- Include a reference to other parts of the policy document which go into more detail.,and

- Be dated and signed by the person at the top management in the organization such as the Chairman or Managing Director.

The second part of the policy on Organization should describe the safety and health responsibilities. This is primarily about the role of each person. Among others it should include:

- The list of safety and health responsibilities of all levels of management
- The role of employees in the implementation of the policy. It is the duty of each employee not to endanger himself or others by his actions or omissions, and to cooperate in all measures provided for his safety and health.
- The structure and role of safety and health committees and other in-house safety and health organization, if any.

The Arrangements or final part of the written policy concerns with practical systems and procedures. It deals mainly with potential hazards and measures to be taken to solve the problem. Essentially it should specify detailed arrangements for ensuring that the policy is being implemented including:

- The arrangement for training and instructions
- Information about hazards that may be in certain processes, the control measures and the ways in which employees should cooperate for their own safety and health
- Explain the company's safe system of work including procedures and rules
- Scheme for the issuance, use maintenance of personal protective equipment (P.P.E)



- The procedure for investigation and reporting of accidents and
- Emergency measures such as first aid and fire arrangements.

It is important that the contents of the safety and health policy be made known to all employees during induction course and job training. The policy statement should be displayed at strategic locations in the workplace.

The Occupational Safety and Health Act 1994 specify the general duties of employers, self-employed persons, manufacturers, designers, and employees. Among the provisions of the Act is the establishment of the Safety and Health committee, appointment of a Safety and Health Officer and the enforcement, investigation and necessary penalties. The following parts will discuss on the duties of an employer, the duties of an employee, the role of the Safety and Health Officer and the functions of the Safety and Health Committee.

### **1.5.3 The Duties of an Employer**

General duties of employers and self employed persons to their employees as well as to persons other than their employees, as stated in part IV of the Occupational safety and Health Act 1994.

Among the duties of an employer are the duty to ensure, so far as is practicable, the safety, health and welfare at work for all employees. Without prejudice to the generality of the above, the matters to which the duty extends include in particular: